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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/970,968
Filing Date: October 03, 2001
Appellant(s): KURAMOCHI, SHINGO

Andrew Calderon
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02/20/06 appealing from the Office action mailed 6/29/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,835,916	Inaki et al.	11-1998
5,867,110	Naito et al.	2-1999
6,263,347	Kobayashi et al.	7-2001

(9) Ground of Rejection

Claim Rejections - 35 USC § 103

i.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,867,110 issued to Naito et al., ("Naito") in view of U.S. Pat. No. 6,263,347 issued to Kobayashi et al., ("Kobayashi") and further in view of U.S. Pat. No. 5,835,916 issued to Inaki et al., ("Inaki").

As per claim 1, discloses Naito "system for managing an object positioned in a management area" as each data set concerning a particular position is associated with a particular area, and the host computer is adapted to determine based upon the received position information data (see col. 3, lines 22-25), the system comprising:

"a host computer for holding a database in which position data of an object to be managed is stored in relation to attribute data of the object to be managed used for identifying the object to be managed" as a communication host apparatus which includes a database for storing a plurality of data set wherein each concerns a predetermined position (see cot. 1, lines 67 to cot. 2, lines 3);

"a portable terminal machine" as a portable terminal which is capable of retrieving data set (object information) from a database which concerns the position of the object (see figure 1, element 12; cot. 2, line 18-19) "configured to specify the object to be managed" as a means for detecting a signal receives from an artificial satellite, in which generates position information data indicative of the current position of the portable terminal based on the signal (see cot. 5, lines 29-37); and

"data communication means for transferring only a selected database from the host computer to the portable terminal machine so that only information about the object to be managed" as a means for transmitting the appropriate data to the portable terminal (see cot. 2, lines 25-28) and physical surrounding attributes is transferred to the portable terminal" (see col. 3, lines 16-61), and

"an editing means for editing the coordinate data of a new object to be managed or when the object to be managed is being moved to a new location" as updating the content of the database based on the received information "data" (see col. 12, lines 35-41),

"wherein the portable terminal machine displays a position of the object to be managed according to the coordinate data in the database transferred from the host computer to the portable terminal machine and the physical surrounding attributes" as based on the information received from the host computer, the display mean displays the corresponding data obtained by the data processing, wherein the user of the portable terminal can obtain appropriate information regarding circumstances of a desire location of the object (see cot. 2, lines 28-34). Naito fails to explicitly disclose the claimed among a plurality of objects to be managed. However, Kobayashi discloses the claimed the portable remote terminal which is selected from the host data base and a record item of the object data, creating on the portable terminal an item definition data base which defines a record attribute, an object storage data base which stores object data on a record basis correspondingly to the item definition data base, a relation definition data base which defines relation among object data stored in the object storage data base and a definition data base which defines among the respective data bases created (see Kobayashi col. 5, lines 6-40). It would have been obvious to a person of ordinary skill in the art to modify the combined teachings of Naito and Kobayashi with among a plurality of objects to be managed. Such a combination would allow the teachings of Naito and Kobayashi to improve the reliability of the system for

managing objects based on position data, and to provide a system for linking data between a computer and a portable remote terminal which extracts data of a host data base on the computer into the portable remote terminal (see Kobayashi col. 2, lines 52-55). While, Naito and Kobayashi fail to explicitly disclose the claimed the position data including coordinate data comprising starting points "X" and "Y" and end points "X" and "Y" for each object to be managed. However, Inaki discloses the claimed data indicates the type of the object, it also refers as object management data, object ranges data are represented by data on the coordinates start points X and Y and data on the coordinates for the end X and Y (see Inaki, col. 4, lines 40-46). It would have been obvious to a person of ordinary skill in the art to modify the combined teachings of Naito and Kobayashi and Inaki with the position data including coordinate data comprising starting points "X" and "Y" and end points "X" and "Y" for each object to be managed. Such a combination would allow the teachings of Naito and Kobayashi and Inaki to improve the speed of the process to acquire the attribute information necessary for displaying the reset cell "area" (see Inaki, col. 12, lines 62-64).

As per claim 2, Naito discloses, "wherein the portable terminal machine" (see figure 12) includes:

"a data storing unit for storing the database transferred from the host computer" as a means for transmitting the appropriate data to the portable terminal (see cot. 2, lines 25-28);

"a condition inputting unit for entering a retrieval condition" as the data processing unit 24 executes the data processing based upon the received retrieval data set (see col. 10, lines 911);

"and a searching unit for searching the database according to the retrieval condition to obtain the position data from the database when the attribute data of the object matches the retrieval condition" as the data processing unit 24 retrieves the data in the second database of the database 32 based upon the impassable road section information data 206 to obtain the intersection position data 402, 403 in association with the road identification number contained in the impassable road section information data 206 (see col. 10, lines 28-34).

As per claim 3, Naito discloses, "wherein the portable terminal machine includes a data synchronization unit for synchronizing data in the database stored in the data storing unit of the portable terminal machine with data in the database held in the host computer" as based upon the supplied texts

information data and intersection position data, displays on the screen thereof an image of a map in which the road sections and the route toward the destination are specified (see col. 10, lines 44-55).

As per claim 4, Naito discloses, "wherein the host computer includes a data synchronization unit for synchronizing data in the database stored in the data storing unit of the portable terminal machine with data in the database held in the host computer" as based upon the supplied texts information data and intersection position data, displays on the screen thereof an image of a map in which the road sections and the route toward the destination are specified (see col. 10, lines 44-55).

As per claim 5, Naito discloses, wherein the object to be managed is a computer (see Naito, col. 1, line 65 to col. 2, lines 20).

As per claim 6, Naito discloses "a retrieval system" as a portable terminal which is capable of retrieving data set (object information) from a database (see col. 2, lines 18-19), comprising:

"a host computer including a database, which database is output by the host computer on request, in which retrieval information and position information of objects to be managed are held in relation to each other" as a communication host apparatus which includes a database for storing a plurality of data set wherein each concerns a predetermined position (see col. 1, lines 67 to col. 2, lines 3); and

"a portable terminal machine for receiving and storing the database output by the host computer" as host apparatus being responsive to a portable terminal which is capable of retrieving data set (object information) from a database which concerns the position of the object (see figure 1, element 12; col. 2, line 16-19);

"wherein the portable terminal machine includes: a searching unit for searching the retrieval information in the database according to a condition specified by a user to identify a match between the retrieval information and the condition" as the data processing unit retrieves the data in the second database of the database based upon the; impassable road section information data to obtain the intersection position data in association with the road identification number contained in the impassable road section information data (see col. 10, lines 28-34); "and a map display unit for displaying a position where the particular object is managed on a map according to the position information" as specify an area

in the map to be displayed on the screen of the display unit so as to read appropriate map from the map database (see col. 10, lines 2527),

“the map including physical attributes of both the object and attributes of an environment surrounding the object to be managed, the attributes of the environment are partitioned” as updating the content of the database based on the received information “data” (see col. 12, lines 35-41). Naito fails to explicitly disclose the claimed consequently to specify the position information of a particular object of the objects to be managed. However, Kobayashi discloses the claimed the portable remote terminal which is selected from the host data base and a record item of the object data, creating on the portable terminal an item definition data base which defines a record attribute, an object storage data base which stores object data on a record basis correspondingly to the item definition data base, a relation definition data base which defines relation among object data stored in the object storage data base and a definition data base which defines among the respective data bases created (see Kobayashi col. 5, lines 6-40). It would have been obvious to a person of ordinary skill in the art to modify the combined teachings of Naito and Kobayashi with consequently to specify the position information of a particular object of the objects to be managed. Such a combination would allow the teachings of Naito and Kobayashi to improve the reliability of the system for managing objects based on position data, and to provide a system for linking data between a computer and a portable remote terminal which extracts data of a host data base on the computer into the portable remote terminal (see Kobayashi col. 2, lines 52-55). While, Naito and Kobayashi fail to explicitly disclose the claimed an editing means for editing coordinate data of a new object to be managed or when any of the objects to be managed is moved to a new location, coordinate data including starting points “X” and “Y” and end points “X” and “Y”. However, Inaki discloses the claimed data indicates the type of the object, it also refers as object management data, object ranges data are represented by data on the coordinates start points X and Y and data on the coordinates for the end X and Y (see Inaki, col. 4, lines 40-46). It would have been obvious to a person of ordinary skill in the art to modify the combined teachings of Naito and Kobayashi and Inaki with an editing means for editing coordinate data of a new object to be managed or when any of the objects to be managed is moved to a new location, coordinate data including starting points “X” and “Y” and end points “X” and “Y”. Such a

combination would allow the teachings of Naito and Kobayashi and Inaki to improve the speed of the process to acquire the attribute information necessary for displaying the reset cell "area" (see Inaki col. 12, lines 62-64).

As per claim 10, in addition to claims 1 and 7, Naito further discloses "an apparatus for managing data of an object to be managed" as a mean for displaying the corresponding data obtained by the data processing, wherein the user of the portable terminal can obtain appropriate information regarding circumstances of a desire location of the object (see cog. 2, lines 28-34); comprising;

"a database storing unit for storing; a database that includes map data used to display a map of an area in which an object to be managed is positioned, position data of a display mark that denotes the position of the object to be managed on the map, and attribute data used to identify the object to be managed" as a map stored in the database in which an specific area in the map to be displayed of the display unit to read out appropriate map data (see cog. 10, lines 25-27); and

"a database outputting unit for outputting the database to a portable terminal machine in response to a request from the portable terminal machine" as host apparatus being responsive to a portable terminal which is capable of retrieving data set (object information) from a database which concerns the position of the object (see figure 1, element 12; col. 2, line 16-19) "so that only information about the object to be managed and physical attributes of a surrounding environment is transferred to the portable terminal" (see col. 2, lines 9-16).

As per claim 11, Naito discloses, "the apparatus further including a map display unit for displaying the map according to the map data in the database" as to specific area in the map to be displayed on the screen of the display unit so as to read out appropriate map data from the map database (see cot. 10, lines 25-27);

"a mark drawing unit for enabling; a user to draw a display mark on the map displayed by the map display unit" as a user touches the touch panel the input device detects the operation and provides the data processing unit with instructions, in which the display unit displays on a display screen images corresponding to the results of data processing by the data processing unit (see cot. 4, lines 55 to cot. 5, line 3);

"a coordinate obtaining unit for obtaining coordinates of the display mark drawn by the mark drawing unit" as a user touches the touch panel the input device detects the operation and provides the data processing unit with instructions, in which the display unit 22 display; on a display screen images corresponding; to the results of data processing by the data processing unit (see col. 4, lines 65 to col. 5, line 3), and column 9, lines 51-54; and

"a data storing unit for storing the coordinate data in the database as the position data of the display mark" (see figure 1, element 32, col. 4, lines 58-59).

As per claim 12, Naito discloses, "wherein the map display unit" (see col. 10, lines 2527), "when the display mark is drawn by the mark drawing unit, displays a reference line created on the map in response to a fixed item in the area in which the object to be managed is positioned" as to determine the longitude and latitude ranges (coordinates) defining an area in which the position corresponding to the received position information data falls (see col. 9, lines 51-54).

As per claim 13, in addition to claim 1, Naito further discloses "a position display method" as a means for displaying images based upon data obtained by the data processing, in which the portable terminal further including current position detecting means for detecting its current position (see col. 2, lines 811), comprising the steps of:

"storing a database that includes map data used to display an area in which a plurality of objects to be managed are placed as a map, position data used to display a position of each of the plurality of objects to be managed in the area on the map, and attribute data used to identify each object to be managed in a locally unique way" as based on the information received from the host computer, the display means displays the corresponding data obtained by the data processing, wherein the user of the portable terminal can obtain appropriate information regarding circumstances of a desired location of the object (see col. 2, lines 28-34);

"reading the map data and the position data of the specific object to be managed from the database" as to specify an area in the map to be displayed on the screen on the display unit so as to read out appropriate map data from the map database, (see col. 10, lines 26-28); and

"displaying the position of the specific object to be managed in the area on the map according to the map data and the position data read from the database" as to specify an area in the map to be displayed on the screen on the display unit so as to read out appropriate map data from the map database (see col. 10, lines 26-28), and column 2, lines 28-34.

As per claim 14, Naito discloses, "wherein the database is received from a host computer and stored in the database storing step" as a communication host apparatus which includes a database for storing a plurality of data set wherein each concerns a predetermined position (see col. 1, lines 67 to col. 2, lines 3).

As per claim 15, Naito discloses, "wherein the database is updated by the host computer" as the host computer 50 transmits data to the portable terminal via the network system and writes appropriate data to the database (see col. 5, lines 60-65).

As per claim 16, Naito discloses, "wherein the host computer updates the database at predetermined times" as means for responsive to the time up signal to transmit the position information data indicative of the current position of the portable terminal to the communication host apparatus (see col. 2, lines 39-41).

As per claim 17, Naito further discloses "a computer readable storage medium that stores a program to be executed by a computer" as a communication host apparatus which includes a database for storing a plurality of data set wherein each concerns a predetermined position (see col. 1, lines 67 to col. 2, lines 3), the program enabling the computer to execute:

"a first process for displaying a map based on map data and on position data of an object that is positioned and managed in a specific area, wherein the map data and the position data are stored in a database" as based on the information received from the host computer, the display mean displays the corresponding data obtained by the data processing, wherein the user of the portable terminal can obtain appropriate information regarding circumstances of a desire location of the object (see col. 2, lines 28-34);

"a second process for drawing a display mark of the object to be managed" as based upon the supplied the second text information data, in which the display unit displays on the screen a text corresponding to the text information data (see col. 10, lines 44-46);

"a third process for obtaining coordinate data of the drawn display mark on the map" as based upon the supplied intersection position area, in which displays on the screen an image of a map and the road sections (see col. 10, lines 46-49); and

"a fourth process for storing the coordinate data in the database in relation to entered data of the object" as a communication host apparatus which includes a database for storing a plurality of data set wherein each concerns a predetermined position (see col. 1, lines 67 to col. 2, lines 3).

As per claim 18, Naito discloses, "wherein the program further enables the computer to execute a process for presenting a list of objects to be managed, read from the database, so as to prompt the user to specify a particular object to be managed and to be stored in relation to the coordinate data in the fourth process" as a communication host apparatus which includes a database for storing a plurality of data set wherein each concerns a predetermined position (see col. 1, lines 67 to col. 2, lines 3), and column 10, lines 26-28.

As per claim 19, Naito discloses the claimed subject matter except the claimed managed independent of the position of the portable terminal and the object to be managed. However, Kobayashi discloses the claimed the portable remote terminal which is selected from the host data base and a record item of the object data, creating on the portable terminal an item definition data base which defines a record attribute, an object storage data base which stores object data on a record basis correspondingly to the item definition data base, a relation definition data base which defines relation among object data stored in the object storage data base and a definition data base which defines among the respective data bases created (see Kobayashi col. 5, lines 6-40). It would have been obvious to a person of ordinary skill in the art to modify the combined teachings of Naito and Kobayashi with among a plurality of objects to be managed. Such modification would allow the teachings of Naito and Kobayashi to improve the reliability of the system for managing objects based on position data, and to provide a system for linking

data between a computer and a portable remote terminal which extracts data of a host data base on the computer into the portable remote terminal (see Kobayashi col. 2, lines 52-55).

ii.) Claims 7-9, 13-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,867,110 issued to Naito et al., ("Naito") in view of U.S. Pat. No. 6,263,347 issued to Kobayashi et al., ("Kobayashi").

As per claim 7, in addition to claim 1, Naito discloses "a portable position display apparatus for displaying a position of an object to be managed" as the data processing unit 24 refers to the position information data indicative of its own current position of the portable terminal, in which to specify an area in the map to be displayed on the screen of the display unit so as to read appropriate map from the map database (see cot. 2, lines 22-34), comprising:

"a data storing unit for storing a database that includes map data used to display a map of an area in which the object to be managed is positioned, position data used to locate the object to be managed on the map, and wherein the position data is stored in relation to the attribute data" as a map stored in the database in which an specific area in the map to be displayed of the display unit to read out appropriate map data (see cot. 10, lines 2.5-27);

"a condition input unit for enabling a user to enter a retrieval condition" as a means for entering a new interval time through the input device 20 (see cot. 11, lines 38-39);

"a searching unit for searching the database stored in the data storing unit according to the retrieval condition to identify a match between the attribute data and the retrieval condition" as a means for searching the data in the second database of the database based upon the shelter route information data to obtain the intersection position data in association with the road identification number contained in the shelter route information data (see cot. 10, lines 33-37); and

"a map display unit for displaying a position of the object to be managed on the map according to the map data and the position data in the database when a match is identified by the searching unit" as specify an area in the map to be displayed on the screen of the display unit so as to read appropriate map from the map database (see cot. 10, lines 25-27). Naito fails to explicitly disclose the claimed

consequently to identify position data of the object to be managed independent of the portable position display apparatus's position. However, Kobayashi discloses the claimed the portable remote terminal which is selected from the host data base and a record item of the object data, creating on the portable terminal an item definition data base which defines a record attribute, an object storage data base which stores object data on a record basis correspondingly to the item definition data base, a relation definition data base which defines relation among object data stored in the object storage data base and a definition data base which defines among the respective data bases created (see Kobayashi col. 5, lines 6-40). It would have been obvious to a person of ordinary skill in the art to modify the combined teachings of Naito and Kobayashi with consequently to identify position data of the object to be managed independent of the portable position display apparatus's position. Such modification would allow the teachings of Naito and Kobayashi to improve the reliability of the system for managing objects based on position data, and to provide a system for linking data between a computer and a portable remote terminal which extracts data of a host data base on the computer into the portable remote terminal, and display, edit the extracted data of the portable remote terminal (see Kobayashi col. 2, lines 52-56).

As per claim 8, Naito discloses, "the apparatus further including a data receiving unit for receiving the database" as means for including retrieval from the database (32) based upon data (see cot. 5, lines 8-9).

As per claim 9, Naito discloses "the apparatus further including a management information display unit for displaying management information of the object to be managed according to the attribute data in the database when the searching unit identifies the match" as based upon the supplied texts information data and intersection position data, displays on the screen thereof an image of a map in which the road sections and the route toward the destination are specified (see cot. 10, lines 44-55).

As per claim 13, in addition to claim 1, Naito further discloses "a position display method" as a means for displaying images based upon data obtained by the data processing, in which the portable terminal further including current position detecting means for detecting its current position (see col. 2, lines 811), comprising the steps of:

"storing a database that includes ream data used to display an area in which a plurality of objects to be managed are placed as a map, position data used to display a position of each of the plurality of objects to be managed in the area on the map, and attribute data used to identify each object to be managed in a locally unique way" as based on the information received from the host computer, the display mean displays the corresponding data obtained by the data processing, wherein the user of the portable terminal can obtain appropriate information regarding circumstances of a desire location of the object (see col. 2, lines 28-34);

"reading the map data and the position data of the specific object to be managed from the database" as to specify an area in the map to be displayed on the screen on the display unit so as to read out appropriate map data from the map database, (see col. 10, lines 26-28); and

"displaying the position of the specific object to be managed in the area on the map according to the map data and the position data read from the database" as to specify an area in the map to be displayed on the screen on the display unit so as to read out appropriate map data from the map database (see col. 10, lines 26-28), and column 2, lines 28-34.

As per claim 14, Naito discloses, "wherein the database is received from a host computer and stored in the database storing step" as a communication host apparatus which includes a database for storing a plurality of data set wherein each concerns a predetermined position (see col. 1, lines 67 to col. 2, lines 3).

As per claim 15, Naito discloses, "wherein the database is updated by the host computer" as the host computer 50 transmits data to the portable terminal via the network system and writes appropriate data to the database (see col. 5, lines 60-65).

As per claim 16, Naito discloses, "wherein the host computer updates the database at predetermined times" as means for responsive to the time up signal to transmit the position information data indicative of the current position of the portable terminal to the communication host apparatus (see col. 2, lines 39-41).

As per claim 17, Naito further discloses "a computer readable storage medium that stores a program to be executed by a computer" as a communication host apparatus which includes a database for storing a plurality of data set wherein each concerns a predetermined position (see col. 1, lines 67 to col. 2, lines 3), the program enabling the computer to execute:

"a first process for displaying a map based on map data and on position data of an object that is positioned and managed in a specific area, wherein the map data and the position data are stored in a database" as based on the information received from the host computer, the display mean displays the corresponding data obtained by the data processing, wherein the user of the portable terminal can obtain appropriate information regarding circumstances of a desire location of the object (see col. 2, lines 28-34);

"a second process for drawing a display mark of the object to be managed" as based upon the supplied the second text information data, in which the display unit displays on the screen a text corresponding to the text information data (see col. 10, lines 44-46);

"a third process for obtaining coordinate data of the drawn display mark on the map" as based upon the supplied intersection position area, in which displays on the screen an image of a map and the road sections (see col. 10, lines 46-49); and

"a fourth process for storing the coordinate data in the database in relation to entered data of the object" as a communication host apparatus which includes a database for storing a plurality of data set wherein each concerns a predetermined position (see col. 1, lines 67 to col. 2, lines 3).

As per claim 18, Naito discloses, "wherein the program further enables the computer to execute a process for presenting a list of objects to be managed, read from the database, so as to prompt the user to specify a particular object to be managed and to be stored in relation to the coordinate data in the fourth process" as a communication host apparatus which includes a database for storing a plurality of data set wherein each concerns a predetermined position (see col. 1, lines 67 to col. 2, lines 3), and column 10, lines 26-28.

As per claim 20, the limitations of claim 20 are rejected in the analysis of claim 13, and this claim is rejected on that basis.

(10) Response to Argument

The Examiner will address the arguments in the order submitted by the appellant(s).

Argument:

Appellant stated, page 10, last paragraph to page 11, first paragraph, that NAITO does not disclose or suggest, for example, "an editing means for editing the coordinate data of a new object to be managed or when the object to be managed is being moved to a new location; a database in which position data of an object to be managed is stored in relation to attribute data of the object to be managed; coordinate data comprising starting points "X" and "Y" and end points "X" and "Y" for each object to be managed; or a data communication means for transferring only a selected database from the host computer to the portable terminal machine so that only information about the object to be managed and physical surrounding attributes is transferred to the portable terminal".

Response:

Naito discloses means for updating the content of the database based on the received information (data); see col. 12, lines 35-41. Thus, Naito discloses the claimed limitations "an editing means for editing the coordinate data of a new object to be managed or when the object to be managed is being moved to a new location". Further, in col. 1, line 67 to col. 2, line 2, Naito discloses a communication host apparatus which includes a database for storing a plurality of data set wherein each concerns a predetermined position, therefore, Naito clearly discloses the claimed limitations "a database in which position data of an object to be managed is stored in relation to attribute data of the object to be managed". Furthermore, in col. 2, lines 25-28, Naito discloses means for transmitting the appropriate data to the portable terminal, thus, Naito clearly discloses the claimed "data communication means for transferring only a selected database from the host computer to the portable terminal machine so that only information about the object to be managed"; and "physical surrounding attributes is transferred to the portable terminal" (see Naito col. 3, lines 16-61). Naito fails to explicitly disclose among a plurality of

objects to be managed. However, Kobayashi discloses a plurality of objects to be managed (see Kobayashi col. 5, lines 6-40). It would have been obvious to a person of ordinary skill in the art to modify the system of Naito by a plurality of objects to be managed. Such a modification would allow the system of Naito to improve the reliability of the system for managing objects based on position data, and to provide a system for linking data between a computer and a portable remote terminal which extracts data of a host data base on the computer into the portable remote terminal (see Kobayashi col. 2, lines 52-55). While, Naito and Kobayashi fail to explicitly disclose the claimed the position data including coordinate data comprising starting points "X" and "Y" and end points "X" and "Y" for each object to be managed. However, Inaki discloses data indicates the type of the object, it also refers as object management data, object ranges data are represented by data on the coordinates start points X and Y and data on the coordinates for the end X and Y (see Inaki, col. 4, lines 40-46). It would have been obvious to a person of ordinary skill in the art to modify the system of Naito by including coordinate data comprising starting points "X" and "Y" and end points "X" and "Y" for each object to be managed. Such a modification would allow the system of Naito to improve the speed of the process to acquire the attribute information necessary for displaying the reset cell "area" (see Inaki, col. 12, lines 62-64).

Argument:

Appellant stated, page 11, second paragraph, and page 15, second paragraph "Kobayashi does not compensate for or cure these deficiencies of Naito".

Response:

In response to appellant's argument, pages 11, and page 15, second paragraph, "Kobayashi does not compensate for or cure these deficiencies of Naito," the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.

1992). In this case, Naito fails to explicitly disclose consequently to specify the position information of a particular object of the objects to be managed. However, Kobayashi discloses disclose to specify the position information of a particular object of the objects to be managed (see Kobayashi col. 5, lines 6-40). It would have been obvious to a person of ordinary skill in the art to modify the combined teachings of Naito and Kobayashi by consequently to specify the position information of a particular object of the objects to be managed. Such a modification would allow the system of Naito to improve the reliability of the system for managing objects based on position data, and to provide a system for linking data between a computer and a portable remote terminal which extracts data of a host data base on the computer into the portable remote terminal (see Kobayashi col. 2, lines 52-55). While, Naito and Kobayashi fail to explicitly disclose an editing means for editing coordinate data of a new object to be managed or when any of the objects to be managed is moved to a new location, coordinate data including starting points "X" and "Y" and end points "X" and "Y". However, Inaki discloses an editing means for editing coordinate data of a new object to be managed or when any of the objects to be managed is moved to a new location, coordinate data including starting points "X" and "Y" and end points "X" and "Y" (see Inaki, col. 4, lines 40-46). It would have been obvious to a person of ordinary skill in the art to modify the system of Naito by editing means for editing coordinate data of a new object to be managed or when any of the objects to be managed is moved to a new location, coordinate data including starting points "X" and "Y" and end points "X" and "Y". Such a modification would allow the teachings of Naito to improve the speed of the process to acquire the attribute information necessary for displaying the reset cell "area" (see Inaki col. 12, lines 62-64).

Argument:

Appellant stated, page 13, third paragraph, and page 20, second paragraph "Inaki fails to cure the above-noted deficiencies of Naito and Kobayashi".

Response:

In response to appellant's argument, pages 13, and page 20, second paragraph, "Kobayashi does not compensate for or cure these deficiencies of Naito," the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, while, Naito and Kobayashi fail to explicitly disclose an editing means for editing coordinate data of a new object to be managed or when any of the objects to be managed is moved to a new location, coordinate data including starting points "X" and "Y" and end points "X" and "Y". However, Inaki discloses an editing means for editing coordinate data of a new object to be managed or when any of the objects to be managed is moved to a new location, coordinate data including starting points "X" and "Y" and end points "X" and "Y" (see Inaki, col. 4, lines 40-46). It would have been obvious to a person of ordinary skill in the art to modify the system of Naito by editing means for editing coordinate data of a new object to be managed or when any of the objects to be managed is moved to a new location, coordinate data including starting points "X" and "Y" and end points "X" and "Y". Such a modification would allow the teachings of Naito to improve the speed of the process to acquire the attribute information necessary for displaying the reset cell "area" (see Inaki col. 12, lines 62-64).

Argument:

Appellant stated, page 21, second paragraph, "Finally, there is no apparent basis or motivation for modifying NAITO in view of the teachings of KOBAYASHI. First, NAITO requires the information to be dependent on the position of the remote terminal. No proper combination of these documents can change this aspect of the system in NAITO. Clearly, by trying to make the information independent on the location of the terminal, in NAITO, the system would not work in the manner described by NAITO. Thus, there is a teaching away from the combination suggested by the Examiner."

Response:

Naito discloses a system which provides portable terminal with information suitable in light of circumstances at their location; see col. 1, lines 8-10. Kobayashi discloses a system for linking data between a computer and a portable; see col. 1, lines 8-9. While, Naito and Kobayashi fail to explicitly disclose starting points "X" and "Y" and end points "X" and "Y". However, Inaki discloses an apparatus suggests coordinates for the start points "X" and "Y" and data on the coordinates for the end points "X" and "Y" (see Inaka col. 4, lines 40-46). Thus, the combination of the Naito, Kobayashi and Inaki discloses documents the claimed invention as set forth. Furthermore, the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Argument:

Appellant stated, page 26, paragraph 2 to page 27, last paragraph, that "The additional rejection of claim 17 under 35 U.S.C. 103(a) as being unpatentable over NAITO in view of KOBAYASHI is in error, the decision of the Examiner to reject this claim should be reversed, and the application should be remanded to the Examiner."

Response:

In response to appellant's argument, in addition to the discussion above, that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Argument:

Appellant stated, pages 30, second and third, paragraphs, that "the combination on the above-noted documents fails to disclose or even suggest, at least the above-noted feature of the instant invention, Appellant submits that no proper combination of these documents renders unpatentable the combination of features recited in at least dependent claim 3."

Response:

In response to appellant's argument, in addition to the discussion above, Naito discloses a system which provides portable terminal with information suitable in light of circumstances at their location; see col. 1, lines 8-10. Kobayashi discloses a system for linking data between a computer and a portable; see col. 1, lines 8-9. While, Naito and Kobayashi fail to explicitly disclose starting points "X"


and "Y" and end points "X" and "Y". However, Inaki discloses an apparatus suggests coordinates for the start points "X" and "Y" and data on the coordinates for the end points "X" and "Y" (see Inaka col. 4, lines 40-46). Thus, the combination of the Naito, Kobayashi and Inaki documents discloses the claimed invention as set forth. Furthermore, the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

MPEP 2111: During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification" Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In *re Prater*, 162 USPQ 541,550-51 (CCPA 1969). The court found that applicant was advocating ... the impermissible importation of subject matter from the specification into the claim. See also *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the PTO is not required, in the course of prosecution, to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit. Rather, the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definition or otherwise that may be afforded by the written description contained in application's specification.").

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. In *re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

For the above reasons, it is believed that the rejections should be sustained.

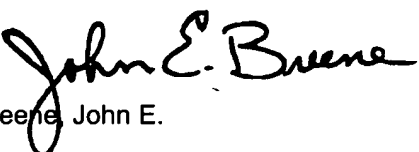
Respectfully submitted,


Fleurantin, Jean Bolte

Patent Examiner

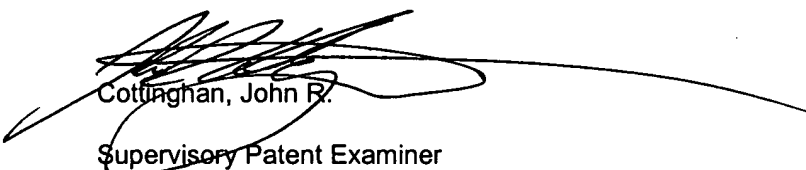
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